

Introduced by Senator Migden

February 23, 2006

An act to add Section 9954 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1542, as introduced, Migden. Motor vehicles: key information access.

(1) Existing law imposes various requirements upon manufacturers of motor vehicles sold or leased in this state with regard to disclosing information and providing equipment. A violation of the laws regulating motor vehicles is a crime.

This bill would require a motor vehicle manufacturer of a motor vehicle sold or leased in this state on or after January 1, 2008, with a model-year of 2008 or later, to provide a means whereby the registered owner of that motor vehicle can access information, and only that information, that is necessary to permit the reproduction of a key or other functionally similar device, or the performance of any necessary service, that will allow the registered vehicle's owner to enter, start, and operate his or her vehicle. A manufacturer would be required to make such information available 24 hours each day and 7 days each week.

Since a violation of the bill's requirements would be a crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature hereby finds and declares all of
2 the following:
- 3 (a) There are over 28 million registered motor vehicles in
4 California, and those vehicles are relied upon heavily by
5 California residents to conduct everyday activities.
- 6 (b) A key or functionally similar device is a fundamental and
7 critical component of a motor vehicle, without which a person
8 cannot perform the basic functions of gaining entry to a motor
9 vehicle or starting its engine.
- 10 (c) The ability to replace a key, or functionally similar device,
11 to a motor vehicle in a timely, convenient, reliable, and
12 affordable manner is not only of general benefit to automotive
13 consumers, but it is also essential to the safety and well-being of
14 those consumers.
- 15 (d) Manufacturers have made great strides in improving
16 vehicle security to enhance motorists' safety and deter theft.
17 However, the increasingly complex systems being devised have
18 made it more difficult for motorists who lock themselves out of
19 their vehicles or lose their keys to regain access to, and the use
20 of, their vehicles in a timely manner. Limited access to
21 information, including key, transponder, and immobilizer codes,
22 and related information, has caused inconvenience, delay, extra
23 cost, and risk to many vehicle owners. Without access to
24 necessary information, many owners have had no choice but to
25 obtain service and purchase replacement keys from members of
26 the manufacturer's authorized dealer network, rather than from a
27 service provider of the motorist's choice. Dealer networks are
28 generally only available during regular business hours, and
29 motorists may have no choice but to have the vehicle towed to
30 the dealer rather than serviced on site.
- 31 (e) Consumers' current limited access to necessary
32 information causes not only significant inconvenience and higher
33 costs to them, but threatens their safety and well-being,
34 especially under circumstances where a motorist is stranded
35 alone after business hours or in a remote location.

1 (f) A registered owner of a motor vehicle has the fundamental
2 right to both of the following:

3 (1) To access the information necessary to gain entry to and
4 operate his or her motor vehicle in a timely, convenient, reliable,
5 and affordable manner that does not compromise his or her safety
6 or the security of the vehicle.

7 (2) To select the qualified service provider of his or her choice
8 to assist in regaining access to, and use of, his or her motor
9 vehicle.

10 (g) It is the intent of the Legislature, in enacting this act, to
11 give motorists better access to necessary information, while at
12 the same time protecting the security of that information. It is
13 critical to protect consumers from both automobile theft and from
14 the risks that arise from limited access to information necessary
15 to allow them to expeditiously regain entrance to, and use of,
16 their vehicles, and this act is intended to provide the appropriate
17 balance for these two important concerns.

18 SEC. 2. Section 9954 is added to the Vehicle Code, to read:

19 9954. (a) A motor vehicle manufacturer of a motor vehicle
20 sold or leased in this state shall provide a means whereby the
21 registered owner of that motor vehicle can access information,
22 and only that information, that is necessary to permit the
23 reproduction of a key or other functionally similar device or the
24 performance of any necessary service, that will allow the
25 registered vehicle's owner to enter, start, and operate his or her
26 vehicle. The means to access this information shall allow access
27 to this information 24 hours each day and seven days each week.

28 (b) Subdivision (a) shall apply only to vehicles sold or leased
29 in this state on or after January 1, 2008, with a model-year of
30 2008 or later.

31 SEC. 3. No reimbursement is required by this act pursuant to
32 Section 6 of Article XIII B of the California Constitution because
33 the only costs that may be incurred by a local agency or school
34 district will be incurred because this act creates a new crime or
35 infraction, eliminates a crime or infraction, or changes the
36 penalty for a crime or infraction, within the meaning of Section
37 17556 of the Government Code, or changes the definition of a

- 1 crime within the meaning of Section 6 of Article XIII B of the
- 2 California Constitution.

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